

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated March 9, 2006.

Claim 10 is amended to cure a typographical error. Claims 1 and 4-21 are pending. Claims 1, 5, 6 and 8-19 are rejected under 35 U.S.C. § 102 as being anticipated by Takahashi (5,929,908). Claim 4 is rejected under 35 U.S.C. § 103 as being obvious over Takahashi in view of Wang (6,850,642). Claims 7, 20 and 21 are rejected under 35 U.S.C. § 103 as being unpatentable over Takahashi, in view of Alston (6,647,975). Reconsideration of the application in light of the remarks below is respectfully requested.

Among the limitations of independent claim 1, which are neither disclosed nor suggested in Takahashi are:

an information acquiring means for, prior to actual photographing, acquiring information concerning a dynamic range, which is required to photograph a photographic scene, with a condition for exposure varied diversely;

an analyzing means for analyzing the information acquiring means including an information synthesizing means for synthesizing the information concerning a dynamic range acquired by the information acquiring means and a histogram arithmetic means for producing a histogram of the information synthesized by the information synthesizing means;

a conditions-for-photographing setting means for setting the conditions for actual photographing according to the result of the analysis performed by said analyzing means;

a photographing means for performing actual photographing under the conditions for actual photographing set by the conditions-for-photographing setting means; and

an image information converting means for converting an image produced during the actual photographing according to the result of analysis performed by the analyzing means.

The Office Action points to Dynamic Range Expansion Deciding Unit 9 of Takashi as corresponding to the claimed analyzing means. However, the claimed analyzing means analyzes

the synthesized information. More specifically, the claimed analyzing means synthesizes the information concerning the dynamic range and computes a histogram of the information synthesized. In other words, the claimed analyzing means analyzes information from an information with a condition for exposure varied diversely. Thereafter, the conditions-for-photographing setting means sets conditions for photography based on the analysis by the analyzing means. Then, the image information converting means converts an image produced during the actual photographing according to the result of analysis performed by the analyzing means. Thus, the conditions for actual photographing are set based on information acquired as a result of a condition for exposure varied diversely, and the image produced during the actual photographing is converted based on the information acquired as a result of a condition for exposure varied diversely.

In contrast, in Takahashi, Dynamic Range Expansion Deciding Unit 9 performs any analysis based on a single exposure - and not a condition for exposure varied diversely; that is to say, not based on the synthesized information as claimed. See, e.g., column 5, lines 3-25. Dynamic Range Expansion Deciding Unit 9 may decide to perform dynamic range expansion processing. In such a case, a second exposure is then taken and exposure controller 11 is controlled to affect iris 3 and a shutter speed. See, column 5, lines 35-45 and column 6, lines 40-50. However, the analysis performed by Dynamic Range Expansion Deciding Unit 9, even if it decides to perform dynamic range expansion processing, is only based on a single exposure - and not a condition for exposure varied diversely as is claimed.

Therefore, it is asserted that independent claim 1 is patentable over Takahashi. The references to Wang and Alston are not cited to show, and do not appear to show, the above referenced limitations. As such, it is asserted that independent claim 1 is patentable over even a combination of Takahashi, Wang and Alston.

Dependent claims 4-21 include the above referenced limitations of independent claim 1 and include additional recitations which, when combined with the recitations of independent claim 1, are also neither disclosed nor suggested in even a combination of the art of record. It is asserted that these claims are patentable as well. Reconsideration of the rejection of claims 1 and 4-21 under 35 U.S.C. §§ 102 and 103 is respectfully requested in light of the remarks above.

It is asserted that the present communication places the application in form for allowance or in better condition for appeal.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 9, 2006

Max Moskowitz

Name of applicant, assignee or  
Registered Representative

Signature

June 9, 2006

Date of Signature

Respectfully submitted,

Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700